

**BEFORE THE  
MEDICAL BOARD OF CALIFORNIA  
DEPARTMENT OF CONSUMER AFFAIRS  
STATE OF CALIFORNIA**

**In the Matter of the Accusation )  
and Petition to Revoke Probation )  
Against: )**

**Hygin Thykootathil Andrew, M.D. )  
Physician's and Surgeon's )  
Certificate No. A 38710 )  
Respondent )**

**Case No. 800-2017-031369**

**DECISION AND ORDER**

**The attached Stipulated Surrender of License and Disciplinary Order is hereby adopted as the Decision and Order of the Medical Board of California, Department of Consumer Affairs, State of California.**

**This Decision shall become effective at 5:00 p.m. on September 29, 2017.**

**IT IS SO ORDERED September 22, 2017.**

**MEDICAL BOARD OF CALIFORNIA**

**By: Kimberly Kirchmeyer  
Kimberly Kirchmeyer  
Executive Director**

1 XAVIER BECERRA  
Attorney General of California  
2 ALEXANDRA M. ALVAREZ  
Supervising Deputy Attorney General  
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8 *Attorneys for Complainant*

9  
10 **BEFORE THE**  
**MEDICAL BOARD OF CALIFORNIA**  
11 **DEPARTMENT OF CONSUMER AFFAIRS**  
12 **STATE OF CALIFORNIA**

13 In the Matter of the Accusation/Petition to  
14 Revoke Probation Against:

Case No. 800-2017-031369

15 **HYGIN THYKOOTATHIL ANDREW,**  
**M.D.**  
16 **303 W. Bluff Avenue**  
**Fresno, CA 93711**

**STIPULATED SURRENDER OF  
LICENSE AND DISCIPLINARY ORDER**

17 **Physician's and Surgeon's Certificate No.**  
18 **No. A 38710**

19 **Respondent.**

20  
21 IT IS HEREBY STIPULATED AND AGREED by and between the parties to the above-  
22 entitled proceedings that the following matters are true:

23 **PARTIES**

24 1. Kimberly Kirchmeyer (Complainant) is the Executive Director of the Medical Board  
25 of California (Board). She brought this action solely in her official capacity and is represented in  
26 this matter by Xavier Becerra, Attorney General of the State of California, by Jannsen Tan,  
27 Deputy Attorney General.

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2. Hygin Thykootathil Andrew, M.D. (Respondent) is representing himself in this proceeding and has chosen not to exercise his right to be represented by counsel.

3. On or about July 12, 1982, the Board issued Physician's and Surgeon's Certificate No. A 38710 to Hygin Thykootathil Andrew, M.D. (Respondent). The Physician's and Surgeon's Certificate No. A 38710 was in full force and effect at all times relevant to the charges brought in Accusation/Petition to Revoke Probation No. 800-2017-031369 and will expire on January 31, 2018, unless renewed.

## JURISDICTION

4. Accusation/Petition to Revoke Probation No. 800-2017-031369 was filed before the (Board), and is currently pending against Respondent. The Accusation/Petition to Revoke Probation and all other statutorily required documents were properly served on Respondent on June 19, 2017. Respondent timely filed his Notice of Defense contesting the Accusation/Petition to Revoke Probation. A copy of Accusation/Petition to Revoke Probation No. 800-2017-031369 is attached as Exhibit A and incorporated by reference.

## ADVISEMENT AND WAIVERS

5. Respondent has carefully read, and understands the charges and allegations in Accusation/Petition to Revoke Probation No. 800-2017-031369. Respondent also has carefully read, and understands the effects of this Stipulated Surrender of License and Disciplinary Order.

6. Respondent is fully aware of his legal rights in this matter, including the right to a hearing on the charges and allegations in the Accusation/Petition to Revoke Probation; the right to be represented by counsel, at his own expense; the right to confront and cross-examine the witnesses against him; the right to present evidence and to testify on his own behalf; the right to the issuance of subpoenas to compel the attendance of witnesses and the production of documents; the right to reconsideration and court review of an adverse decision; and all other rights accorded by the California Administrative Procedure Act and other applicable laws.

7. Respondent voluntarily, knowingly, and intelligently waives and gives up each and every right set forth above.

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1 CULPABILITY

2 8. Respondent does not contest that, at an administrative hearing, complainant could  
3 establish a *prima facie* case with respect to the charges and allegations contained in  
4 Accusation/Petition to Revoke Probation No. 800-2017-031369 and that he has thereby subjected  
5 his license to disciplinary action.

6 9. Respondent agrees that if he ever petitions for reinstatement of his/her Physician's  
7 and Surgeon's Certificate No. A 38710; or if the Board ever petitions for revocation of probation,  
8 all of the charges and allegations contained in Accusation/Petition to Revoke Probation No. 800-  
9 2017-031369 shall be deemed true, correct and fully admitted by respondent for purposes of that  
10 proceeding or any other licensing proceeding involving respondent in the State of California.

11 10. Respondent understands that by signing this stipulation he enables the Executive  
12 Director of the Medical Board to issue an order accepting the surrender of his Physician's and  
13 Surgeon's License No. A 38710 on behalf of the Board, without further notice or opportunity to  
14 be heard.

15 RESERVATION

16 11. The admissions made by Respondent herein are only for the purposes of this  
17 proceeding, or any other proceedings in which the Medical Board of California or other  
18 professional licensing agency is involved, and shall not be admissible in any other criminal or  
19 civil proceeding.

20 12. Business and Professions Code section 2224, subdivision (b), provides, in pertinent  
21 part, that the Medical Board "shall delegate to its executive director the authority to adopt a  
22 stipulation for surrender of a license."

23 13. This Stipulated Surrender of License and Disciplinary Order shall be subject to  
24 approval of the Executive Director on behalf of the Medical Board. The parties agree that this  
25 Stipulated Surrender of License and Disciplinary Order shall be submitted to the Executive  
26 Director for her consideration in the above-entitled matter and, further, that the Executive  
27 Director shall have a reasonable period of time in which to consider and act on this Stipulated  
28 Surrender of License and Disciplinary Order after receiving it. By signing this stipulation,

1 Respondent fully understands and agrees that he may not withdraw his agreement or seek to  
2 rescind this stipulation prior to the time the Executive Director, on behalf of the Medical Board,  
3 considers and acts upon it.

4 14. The parties agree that this Stipulated Surrender of License and Disciplinary Order  
5 shall be null and void and not binding upon the parties unless approved and adopted by the  
6 Executive Director on behalf of the Board, except for this paragraph, which shall remain in full  
7 force and effect. Respondent fully understands and agrees that in deciding whether or not to  
8 approve and adopt this Stipulated Surrender of License and Disciplinary Order, the Executive  
9 Director and/or the Board may receive oral and written communications from its staff and/or the  
10 Attorney General's Office. Communications pursuant to this paragraph shall not disqualify the  
11 Executive Director, the Board, any member thereof, and/or any other person from future  
12 participation in this or any other matter affecting or involving Respondent. In the event that the  
13 Executive Director on behalf of the Board does not, in her discretion, approve and adopt this  
14 Stipulated Surrender of License and Disciplinary Order, with the exception of this paragraph, it  
15 shall not become effective, shall be of no evidentiary value whatsoever, and shall not be relied  
16 upon or introduced in any disciplinary action by either party hereto. Respondent further agrees  
17 that should this Stipulated Surrender of License and Disciplinary Order be rejected for any reason  
18 by the Executive Director on behalf of the Board, Respondent will assert no claim that the  
19 Executive Director, the Board, or any member thereof, was prejudiced by its/his/her review,  
20 discussion and/or consideration of this Stipulated Surrender of License and Disciplinary Order or  
21 of any matter or matters related hereto.

22 **ADDITIONAL PROVISIONS**

23 15. This Stipulated Surrender of License and Disciplinary Order is intended by the parties  
24 herein to be an integrated writing representing the complete, final and exclusive embodiment of  
25 the agreements of the parties in the above-entitled matter.

26 16. The parties agree that copies of this Stipulated Surrender of License and Disciplinary  
27 Order, including copies of the signatures of the parties, may be used in lieu of original documents  
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1 and signatures and, further, that such copies and signatures shall have the same force and effect as  
2 originals.

3 17. In consideration of the foregoing admissions and stipulations, the parties agree the  
4 Executive Director of the Medical Board may, without further notice to or opportunity to be heard  
5 by Respondent, issue and enter the following Disciplinary Order on behalf of the Board:

6 **ORDER**

7 IT IS HEREBY ORDERED that Physician's and Surgeon's Certificate No. A 38710, issued  
8 to Respondent Hygin Thykootathil Andrew, M.D., is surrendered and accepted by the Medical  
9 Board of California.

10 1. The surrender of Respondent's Physician's and Surgeon's License No. A 38710 and  
11 the acceptance of the surrendered license by the Board shall constitute the imposition of  
12 discipline against Respondent. This stipulation constitutes a record of the discipline and shall  
13 become a part of Respondent's license history with the Medical Board of California.

14 2. Respondent shall lose all rights and privileges as a Physician and Surgeon in  
15 California as of the effective date of the Board's Decision and Order.

16 3. Respondent shall cause to be delivered to the Board his pocket license and, if one was  
17 issued, his wall certificate on or before the effective date of the Decision and Order.

18 4. If Respondent ever files an application for licensure or a petition for reinstatement in  
19 the State of California, the Board shall treat it as a petition for reinstatement. Respondent must  
20 comply with all the laws, regulations and procedures for reinstatement of a revoked license in  
21 effect at the time the petition is filed, and all of the charges and allegations contained in  
22 Accusation/Petition to Revoke Probation No. 800-2017-031369 shall be deemed to be true,  
23 correct and fully admitted by Respondent when the Board determines whether to grant or deny  
24 the petition. However, the allegations may be deemed to be true, correct and fully admitted by  
25 Respondent solely for the purposes of the Board's determination as to whether to grant or deny  
26 the petition and may not be used and are not intended to be admissions in any other proceeding.

27 5. If Respondent should ever apply or reapply for a new license or certification, or  
28 petition for reinstatement of a license, by any other health care licensing agency in the State of

1 California, all of the charges and allegations contained in Accusation/Petition to Revoke  
2 Probation No. 800-2017-031369 shall be deemed to be true, correct, and fully admitted by  
3 Respondent for the purpose of any Statement of Issues or any other proceeding seeking to deny  
4 or restrict licensure. However, the allegations may be deemed to be true, correct and fully  
5 admitted by Respondent solely for the purposes of the Board's determination as to whether to  
6 grant or deny the petition and may not be used and are not intended to be admissions in any  
7 other proceeding.

8 ACCEPTANCE

9 I have carefully read the Stipulated Surrender of License and Order. I understand the  
10 stipulation and the effect it will have on my Physician's and Surgeon's Certificate No. A 38710. I  
11 enter into this Stipulated Surrender of License and Order voluntarily, knowingly, and  
12 intelligently, and agree to be bound by the Decision and Order of the Medical Board of  
13 California.

14  
15 DATED: 9-11-2017

Hyginthykootathil Andrew  
HYGINTHYKOOTATHIL ANDREW, M.D.  
Respondent

17 ENDORSEMENT

18 The foregoing Stipulated Surrender of License and Order is hereby respectfully submitted  
19 for consideration by the Medical Board of California of the Department of Consumer Affairs.

20  
21 Dated: 9/11/2017

Respectfully submitted,

XAVIER BECERRA  
Attorney General of California  
ALEXANDRA M. ALVAREZ  
Supervising Deputy Attorney General

JANNSEN TAN  
Deputy Attorney General  
Attorneys for Complainant

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**Exhibit A**

**Accusation/Petition to Revoke Probation No. 800-2017-031369**



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BEFORE THE  
MEDICAL BOARD OF CALIFORNIA  
DEPARTMENT OF CONSUMER AFFAIRS  
STATE OF CALIFORNIA

In the Matter of the Accusation and Petition to  
Revoke Probation Against:

**Hygin Thykootathil Andrew, M.D.**  
6335 N. Fresno St., #101  
Fresno, CA 93710

**Physician's and Surgeon's Certificate No.**  
**No. A 38710,**

Respondent.

Case No. 800-2017-031369

**ACCUSATION AND PETITION TO  
REVOKE PROBATION**

Complainant alleges:

**PARTIES**

1. Kimberly Kirchmeyer (Complainant) brings this Accusation and Petition to Revoke Probation (Accusation) solely in her official capacity as the Executive Director of the Medical Board of California, Department of Consumer Affairs (Board).

2. On or about July 12, 1982, the Medical Board issued Physician's and Surgeon's Certificate No. A 38710 to Hygin Thykootathil Andrew, M.D. (Respondent). The Physician's and Surgeon's Certificate was in full force and effect at all times relevant to the charges brought herein and will expire on January 31, 2018, unless renewed.

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1 activities, and cost reimbursement associated therewith that are agreed to with the board and  
2 successfully completed by the licensee, or other matters made confidential or privileged by  
3 existing law, is deemed public, and shall be made available to the public by the board pursuant to  
4 Section 803.1.”

5 6. Section 2234 of the Code, states:

6 “The board shall take action against any licensee who is charged with unprofessional  
7 conduct. In addition to other provisions of this article, unprofessional conduct includes, but is not  
8 limited to, the following:

9 “(a) Violating or attempting to violate, directly or indirectly, assisting in or abetting the  
10 violation of, or conspiring to violate any provision of this chapter.

11 “(b) Gross negligence.

12 “(c) Repeated negligent acts. To be repeated, there must be two or more negligent acts or  
13 omissions. An initial negligent act or omission followed by a separate and distinct departure from  
14 the applicable standard of care shall constitute repeated negligent acts.

15 “(1) An initial negligent diagnosis followed by an act or omission medically appropriate  
16 for that negligent diagnosis of the patient shall constitute a single negligent act.

17 “(2) When the standard of care requires a change in the diagnosis, act, or omission that  
18 constitutes the negligent act described in paragraph (1), including, but not limited to, a  
19 reevaluation of the diagnosis or a change in treatment, and the licensee's conduct departs from the  
20 applicable standard of care, each departure constitutes a separate and distinct breach of the  
21 standard of care.

22 “(d) Incompetence.

23 “(e) The commission of any act involving dishonesty or corruption which is substantially  
24 related to the qualifications, functions, or duties of a physician and surgeon.

25 “(f) Any action or conduct which would have warranted the denial of a certificate.

26 “(g) The practice of medicine from this state into another state or country without meeting  
27 the legal requirements of that state or country for the practice of medicine. Section 2314 shall not

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1 apply to this subdivision. This subdivision shall become operative upon the implementation of the  
2 proposed registration program described in Section 2052.5.

3 “(h) The repeated failure by a certificate holder, in the absence of good cause, to attend and  
4 participate in an interview by the board. This subdivision shall only apply to a certificate holder  
5 who is the subject of an investigation by the board.”

6 7. Section 822 of the Code states:

7 “If a licensing agency determines that its licensee’s ability to practice his or her  
8 profession safely is impaired because the licensee is mentally ill, or physically ill affecting  
9 competency, the licensing agency may take action by any one of the following methods:

10 “(a) Revoking the licensee’s certificate or license.

11 “(b) Suspending the licensee’s right to practice.

12 “(c) Placing the licensee on probation.

13 “(d) Taking such other action in relation to the licensee as the licensing agency in its  
14 discretion deems proper.

15 “The licensing section shall not reinstate a revoked or suspended certificate or license until  
16 it has received competent evidence of the absence or control of the condition which caused its  
17 action and until it is satisfied that with due regard for the public health and safety the person’s  
18 right to practice his or her profession may be safely reinstated.”

19 **CAUSE FOR RESTRICTION AND/OR REVOCATION**  
20 **(Mental or Physical Illness Affecting Competency to Practice Medicine)**

21 8. Respondent’s Physician’s and Surgeon’s Certificate No. A 38710 is subject to action  
22 under section 822 of the Code in that his ability to practice medicine safely is impaired because he  
23 is mentally or physically ill affecting competency, as more particularly alleged hereinafter.

24 9. During the periods of April 23 to 24, 2015, and August 22 to 26, 2016, Respondent  
25 attended PACE as part of his probation conditions. PACE provided a report which detailed that  
26 Respondent did not possess a sufficient knowledge base in internal medicine. PACE also  
27 recommended a fitness for duty neuropsychological evaluation due to Respondent’s poor  
28 performance in the “Microcog” section of the PACE evaluation.

1           10. On or about February 17, 2017, Respondent was referred for a neuropsychological  
2 evaluation by the Board. Respondent was evaluated by a Board clinical neuropsychologist (Dr.  
3 G).

4           11. Dr. G. found that Respondent's pattern of deficits includes: variable attention and  
5 sustained concentration; limited grapheme/phoneme association; below average strength in the  
6 upper extremities bilaterally; slowed visual-motor integration speed for over-learned materials;  
7 dysnomia with phonemic and semantic paraphasic errors; variable rate of information processing  
8 speed; and significant challenges with executive functioning requiring profiting from feedback,  
9 color naming speed, set-shifting flexibility, and nonverbal problem solving and categorization.

10          12. Dr. G. also found that Respondent made a significantly high number of errors of  
11 perseveration and intrusion on memory measures, despite demonstrating very well  
12 developed/preserved encoding, storage and retrieval of novel information. Dr. G. added that  
13 Respondent may also be suffering deficits in judgment and insight.

14          13. Dr. G. opined that this pattern of deficits is indicative of a bilateral frontal nidus, the  
15 etiology of which is unclear.

16          14. Dr. G. concluded that it is with reasonable neuropsychological certainty that  
17 Respondent's pattern of deficits would directly impact his ability to practice safely as an  
18 interventional cardiologist or internist at this time.

19          15. On or about May 15, 2017, Respondent was referred for MRI imaging.

20          16. On or about May 24, 2017, Respondent was referred for a neurological evaluation by  
21 the Board. Respondent was evaluated by a Board clinical neurologist (Dr. M.)

22          17. Dr. M. noted that during his interview, Respondent stated that his 30-day mortality  
23 rate was up and that the problem was that he had to deal with very high risk patients. Dr. M.  
24 noted that Respondent has global cerebral volume loss (atrophy) that is frontoparietally  
25 predominant. Dr. M. stated that the MRI imaging matched the neuropsychological testing  
26 performed by Dr. G. Dr. M. emphasized that the concordance between occupational performance,  
27 imaging and functional testing leaves little doubt about the diagnosis of frontal dementia,  
28 historically known by the eponym of Pick's Disease. Dr. M. concluded that Respondent was not

1 safe to practice interventional cardiology, and recommended Respondent cease from the practice  
2 of medicine.

3 **PRAYER**

4 WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,  
5 and that following the hearing, the Medical Board of California issue a decision:

- 6 1. Revoking or suspending Physician's and Surgeon's Certificate No. A 38710, issued to  
7 Respondent Hygin Thykootathil Andrew, M.D.;
- 8 2. Revoking, suspending or denying approval of Respondent Hygin Thykootathil  
9 Andrew, M.D.'s authority to supervise physician assistants and advanced practice nurses;
- 10 3. Ordering Respondent Hygin Thykootathil Andrew, M.D., if placed on probation, to  
11 pay the Board the costs of probation monitoring; and
- 12 4. Taking such other and further action as deemed necessary and proper.

13  
14 DATED: June 19, 2017

  
KIMBERLY KIRCHMEYER  
Executive Director  
Medical Board of California  
Department of Consumer Affairs  
State of California  
Complainant

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